

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant.

C. A. No. 06-91 (SLR)

REDACTED

**DECLARATION OF THOMAS L. HALKOWSKI IN SUPPORT OF PLAINTIFF
CALLAWAY GOLF COMPANY'S BRIEF IN SUPPORT OF MOTION FOR
PERMANENT INJUNCTION**

I, Thomas L. Halkowski, declare as follows:

1. I am a principal of Fish & Richardson P.C., counsel of record in this action for Callaway Golf Company. I am a member of the Bar of the State of Delaware and am admitted to this Court. I have personal knowledge of the matters stated in this declaration and would testify to them under oath if called upon to do so.

2. Attached as Exhibit A is a true and correct copy of PX 831, "Straight Down the Middle", as published in *Web Street Golf Report Volume 9 Number 6*, February 13, 2006, bearing the Callaway Golf production range CW 0280257-67.

3. Attached as Exhibit B is a true and correct copy of "Callaway Gets Nod In Pro V1 Patent Infringement Jury Verdict," as published in *GolfDigest.com*, December 14, 2007.

4. Attached as Exhibit C is a true and correct copy of excerpts from the Deposition of Phillip A. Mickelson, taken in this matter on November 15, 2007.

5. Attached as Exhibit D is a true and correct copy of PX 985, bearing the Acushnet Company production range AC 041525.UR-27.UR.

6. Attached as Exhibit E is a true and correct copy of excerpts from the Deposition of Gerald M. Bellis, taken in this matter on October 24, 2007.

7. Attached as Exhibit F is a true and correct copy of Exhibit 5 from the Deposition of George Sine, Jr., taken in this matter on April 24, 2007, bearing the Acushnet Company production range AC0034094-96.
8. Attached as Exhibit G is a true and correct copy of PX 582, bearing the Acushnet Company production range AC 101050.UR-72.UR.
9. Attached as Exhibit H is a true and correct copy of excerpts from the Deposition of Scott White, taken in this matter on April 12, 2007.
10. Attached as Exhibit I is a true and correct copy of "Legal battles over Acushnet Co.'s high-end golf ball will last a long time," as published in *SouthCoastToday.com*, Jan. 6, 2008.
11. Attached as Exhibit J is a true and correct copy of PX 722, bearing the Acushnet Company production range AC 089551-52.
12. Attached as Exhibit K is a true and correct copy of an Acushnet Company production document bearing the bates range AC 030479-84.
13. Attached as Exhibit L is a true and correct copy of PX 984, bearing the Acushnet Company production number AC 089559.
14. Attached as Exhibit M is a true and correct copy of PX 1175, "The History of the Titleist Golf Ball," bearing the production range AB 0118041-98.
15. Attached as Exhibit N is a true and correct copy of excerpts from PX 698, Callaway Golf's 2003 Annual Report.
16. Attached as Exhibit O is a true and correct copy of PX 1121, bearing the Acushnet Company production range AC 044448-67.
17. Attached as Exhibit P is a true and correct copy of excerpts from the Expert Report of William O. Kerr Ph.D., filed on July 13, 2007
18. Attached as Exhibit Q is a true and correct copy of excerpts from Fortune Brands, Inc. Form 10-K ending Mar. 1, 2007.

19. Attached as Exhibit R is a true and correct copy of a Fortune Brands News Release, (<http://www.fortunebrands.com/news/ReleaseDetail.cfm?ReleaseID=271567&ReleaseType=Earnings>), October 26, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of January, 2008 at Wilmington, Delaware.

Dated: January 16, 2008

FISH & RICHARDSON P.C.

By: /s/ Thomas L. Halkowski

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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2008, the attached document was electronically filed with the Clerk of Court using CM/ECF which will send electronic notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on January 24, 2008, I have Electronically Mailed the document to the following person(s):

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